

### **REMARKS**

Claims 17-28 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4 and 7-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa (U.S. Pat. No. 6,831,393) This rejection is respectfully traversed.

Claims 1-4 and 7-16 are cancelled. This rejection, therefore, is moot.

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa (U.S. Pat. No. 6,909,223) This rejection is respectfully traversed.

Claims 1-16 are cancelled. This rejection, therefore, is moot.

### **NEW CLAIMS**

New claims 17-28 have been added. These new claims are supported throughout the specification and drawings as originally filed. No new matter has been added.

New claims 17-28 are neither anticipated nor obvious in view of the cited prior art references. Specifically, the claimed invention defined in new claim 17 is directed to an optical apparatus. One of the features of the claimed invention is that the ultrasonic motor constructed from the vibrating element drives the driving element, and the switching mechanism is operated in association with the driving of the driven element.

Furthermore, according to the optical apparatus defined by new claim 17, since the first and second piezoelectric elements of the vibrating element are fixed to the reinforcing plate to integrate the device into a single structure, it is possible to improve

the strength of the vibrating element. Therefore, it is possible to improve the driving reliability of the optical apparatus and effectively prevent (or inhibit) breakage of a drive IC for the optical apparatus even in a case where the optical apparatus is dropped or falls.

In contrast, although some of the cited references disclose an ultrasonic motor or a vibrating element, each of the cited references fail to disclose a configuration of the optical apparatus in which the ultrasonic motor is used in the configuration claimed. Because the cited references cannot do not have the configuration of the claimed invention, the cited references cannot achieve the effects of the present invention. Accordingly, the present invention defined in new claim 17 and each corresponding dependent claim is neither anticipated nor obvious.

Favorable consideration of these new claims is respectfully requested.

Lastly, Applicant notes that each of the cited references, U.S. Pat. Nos. 6,909,223 and U.S. Pat. No. 6,831,393, are commonly owned by Seiko Epson Corporation. Further, Applicant notes that each of the cited references only qualify as prior art under 35 U.S.C. § 102(e).

#### **Statement of Common Ownership**

The present application, Serial No. 10/789,941, and U.S. Patent Nos. 6,831,393 and 6,909,223 were, at the time the invention of the present application was made, commonly owned by Seiko Epson Corporation.

Because the present application and the cited prior art references are commonly owned, and because the cited prior art references only qualify as prior art under 35

U.S.C. § 102(e), Applicant respectfully asserts that the cited references cannot be used in a rejection under 35 U.S.C. § 103(a).

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 18, 2006

By: 

G. Gregory Schivley  
Reg. No. 27,382  
Bryant E. Wade  
Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GGG/BEW/JAH